

DATE

Ms. Lynn Dias-Button
17948 Jefferson Ridge Drive
Baton Rouge, LA 70817

RE: Docket No. 2022-094
Advisory Opinion

Dear Mrs. Dias-Button:

The Louisiana Board of Ethics ("Board"), at its April 8, 2022 meeting, considered your request for an advisory opinion as to whether the Code of Governmental Ethics ("Code") would prohibit you from accepting a part-time position with Blue Cross and Blue Shield of Louisiana ("BCBSLA") while maintaining your employment with the Louisiana Workforce Commission ("LWC") - Unemployment Insurance Division ("UI").

FACTS PROVIDED

You are currently employed full-time by LWC/UI as a Workforce Development Specialist 5. Your duties include: 1) drafting communications for use in messaging to unemployment claimants; and, 2) handling staff administration access for unemployment-affiliated staff to the LWC's online HiRE system. HiRE is an online job seeker/workforce services system that is accessed as a website on the Internet or an Intranet at a OneStop Center. It was specifically designed for job seekers, students, case managers, employers, training providers, workforce professionals, and others seeking benefits and services. You serve as the primary administrator for LWC/UI's use of HiRE, including system settings, message blasts, setting system holidays, etc. You have been employed by LWC since April 2009 and in UI since 2011.

Prior to your employment with LWC, you were employed at BCBSLA, in what is now the Strategic Communications Department. You were approached by the Strategic Communications Department with the opportunity to work part-time (evenings and weekends only) as a proofreader. You would continue to work full-time in your current position, with your planned retirement scheduled for February 2023.

Since BCBSLA provides health insurance services through the Office of Group Benefits ("OGB") and you have coverage with BCBSLA through the OGB, both the BCBSLA hiring managers and you want to ensure that there are no ethics concerns involved with working part-time for BCBSLA outside of your normal LWC/UI work hours. You do not handle any health insurance matters for the LWC/UI. Likewise, you would not be doing any writing for BCBSLA. Your proposed job duties would only be providing a final proofread of communications that have already been vetted and approved by BCBSLA subject matter experts. Your responsibilities will be restricted to only reviewing and identifying any

misspellings or grammatical and punctuation errors that need correction.

LAW

La. R.S. 42:1102(2)(a)(i) defines “agency” to mean a department, office, division, agency, commission, board, committee, or other organizational unit of a governmental entity. “Agency of the public servant” and “his agency” when used in reference to the agency of a public servant shall mean for public servants in the twenty principal departments of the executive branch of state government, the office in which such public servant carries out his primary responsibilities.

La. R.S. 42:1102(15) defines “participate” as meaning to take part in or to have or share responsibility for action of a governmental entity or a proceeding, personally, as a public servant of the governmental entity, through approval, disapproval, decision, recommendation, the rendering of advice, investigation, or the failure to act or perform a duty.

La. R.S. 42:1111C(1)(a) prohibits a public servant from receiving any thing of economic value for any service, the subject matter of which is devoted substantially to the responsibilities, programs, or operations of the agency of the public servant and in which the public servant has participated.

La. R.S. 42:1112B(3) prohibits a public servant from participating in a governmental transaction, involving the governmental entity, in which any person of which he is an officer, director, trustee, partner, or employee has a substantial economic interest.

ANALYSIS

Your agency is defined as the office in which you carry out your primary responsibilities, if you serve one (1) of the twenty (20) principal departments of the Louisiana State executive branch, pursuant to La. R.S. 42:1102(2)(a)(i). Within LWC, you carry out your primary responsibilities specifically in LWC/UI. Accordingly, your agency is the UI Division of the LWC (LWC/UI), as it is the office in which you carry out your primary duties as a Workforce Development Specialist 5.

La. R.S. 42:1111C(1)(a) prohibits a public servant from receiving any thing of economic value for any service, the subject matter of which is devoted substantially to the responsibilities, programs, or operations of the agency of the public servant and in which the public servant has participated. Here, you would be providing services for BCBSLA as a proofreader. Proofreading is: 1) not a subject matter that is substantially devoted to the responsibilities, programs, or operations of your agency, the LWC/UI; and, 2) not a service in which you have participated.

La. R.S. 42:1112B(3) prohibits a public servant from participating in a governmental transaction, involving the governmental entity, in which any person of which he is an officer, director, trustee, partner, or employee has a substantial economic interest. A public servant “participates” in a governmental transaction when she takes part in, has, or shares responsibility for action of a governmental entity or a proceeding, personally, as a public servant of the governmental entity, through approval, disapproval, decision, recommendation, the rendering of advice, investigation, or the failure to act or perform a duty. La. R.S. 42:1102(15). Although you have medical insurance coverage with BCBSLA through OGB, your procurement of medical insurance coverage through OGB does not constitute an impermissible participation because you are not participating in a governmental

transaction as a public servant involving BCBSLA.

CONCLUSION

The Board concluded, and instructed me to inform you, that based on the facts presented, the Code does not prohibit you from accepting part-time employment with BCBSLA while remaining a full-time employee of the LWC/UI.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts as presented may result in a different application of the provisions of the Louisiana Code of Governmental Ethics. The Board issues no opinion as to past conduct or as to laws other than the Louisiana Code of Governmental Ethics, the Campaign Finance Disclosure Act, the Lobbyist Disclosure Act, and the conflict of interest provisions contained in the Louisiana Gaming Control Law. If you have any questions, please contact me at (800) 842-6630 or (225) 219-5600.

Sincerely,

LOUISIANA BOARD OF ETHICS

LaToya D. Jordan
For the Board

DISCLAIMER
This is a draft opinion and it is **NOT** an opinion of the Louisiana Board of Ethics. The analysis and conclusions herein are provided for discussion purposes only, and are subject to change or revision at the meeting of the Board of Ethics at which this matter is considered.